

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
SHERMAN DIVISION**

DAVID LIGHTFOOT,  
*Plaintiff,*

v.

TOWN OF PROSPER, KIRK MCFARLIN,  
GARY MCHONE, and AMY BOCKES,  
*Defendants.*

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Case No. 4:12-cv-789

**MEMORANDUM ADOPTING REPORT AND RECOMMENDATIONS OF THE  
UNITED STATES MAGISTRATE JUDGE**

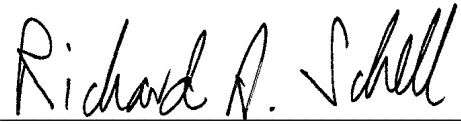
Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On August 8, 2013, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Defendants' Motion to Dismiss (Dkt. 17) be GRANTED and that Plaintiff's claims under 42 U.S.C. § 1983, 42 U.S.C. § 2000e-3, and Section 21.055 of the Texas Labor Code be DISMISSED WITH PREJUDICE and that Plaintiff's state law claims be DISMISSED WITHOUT PREJUDICE.

The court has made a *de novo* review of the objections raised by the Plaintiff (Dkt. 26) and is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections are without merit as to the ultimate findings of the Magistrate Judge. The court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this court.

Therefore, Defendants' Motion to Dismiss (Dkt. 17) is **GRANTED**. Plaintiff's claims under 42 U.S.C. § 1983, 42 U.S.C. § 2000e-3, and Section 21.055 of the Texas Labor Code are DISMISSED WITH PREJUDICE. Plaintiff's remaining state law claims are DISMISSED WITHOUT PREJUDICE to re-filing in state court.

IT IS SO ORDERED.

**SIGNED this the 27th day of September, 2013.**

A handwritten signature in black ink, reading "Richard A. Schell". The signature is written in a cursive style with a horizontal line underneath the name.

RICHARD A. SCHELL  
UNITED STATES DISTRICT JUDGE